

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001
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ORDER

03 MDL 1570 (GBD) (SN)

This document relates to:

Anaya, et al. v. Islamic Republic of Iran, No. 18-cv-12341 (GBD) (SN)

**ORDER GRANTING PARTIAL FINAL JUDGMENT AGAINST THE ISLAMIC
REPUBLIC OF IRAN FOR PLAINTIFF KATHLEEN MARIE DELATIZKY**

GEORGE B. DANIELS, United States District Judge:

Plaintiff Kathleen Marie Delatizky moves for partial final default judgment, as to solatium damages, against Defendant the Islamic Republic of Iran on the ground that her close relationship with her stepfather Richard Bradway Hall, who was killed in the 9/11 attacks, merits a finding that she is the functional equivalent of Hall's daughter. (ECF No. 9324.¹) For the reasons set forth herein, Ms. Delatizky's motion is GRANTED, and she is awarded \$8,500,000.00 in solatium damages.²

The *Anaya* Plaintiffs hold a default judgment against Iran as to liability. (ECF No. 7178.) Thus, the only question before this Court is whether Plaintiff is entitled to solatium damages under this Court's functional equivalence framework.

¹ Unless otherwise indicated, all ECF citations included herein refer to documents filed on the 9/11 multidistrict litigation docket. *See In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (GBD) (SN).

² Ms. Delatizky separately moved this Court for expedited consideration of the instant motion. (ECF No. 9744.) Owing to this Order, the motion to expedite is DENIED as moot.

A long-established framework exists for solatium damages awarded to immediate family members of those who perished in the 9/11 Attacks. (*See* ECF No. 2623.) “In limited circumstances, solatium damages are extended to people who are functionally equivalent to immediate family members.” (ECF No. 9557, at 2 (citation and internal quotations omitted).) On October 31, 2016, with refinements on November 17, 2017, this Court adopted a framework for determining if a plaintiff is a functional equivalent of an immediate family member.³ (*See* ECF No. 3363, *adopted by* ECF No. 3384; ECF No. 3676, *adopted by* ECF No. 3795.)

Ms. Delatizky and her mother submitted declarations wherein they extensively detailed Plaintiff’s relationship with Mr. Hall. (*See* ECF Nos. 9325-1, 9325-2.) Applying the aforementioned functional equivalence framework, this Court has little trouble determining that Mr. Hall, who “was the only father figure that [Plaintiff] lived with full[-]time growing up” (ECF No. 9325-1, ¶ 7) and “talked about [Plaintiff] so much that people were surprised to learn that she was not his own [biological] daughter” (ECF No. 9325-1, at 15), is the functional equivalent of Plaintiff’s father.

Plaintiff’s motion for partial final default judgment as to solatium damages against the Islamic Republic of Iran is GRANTED. It is

ORDERED that Plaintiff Kathleen Marie Delatizky be awarded \$8,500,000.00 in solatium damages; and it is

ORDERED that prejudgment interest is awarded at a rate of 4.96 percent per annum, all interest compounded annually for the period from September 11, 2001 until the date of judgment; and it is

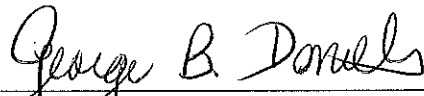
³ This Court has applied this framework on numerous occasions. (*See, e.g.*, ECF Nos. 4175, 5154, 5950, 5951, 8286, 8288, 8289, 8293, 8947, and 9557.)

ORDERED that, to the extent they have not already done so, all *Anaya* Plaintiffs are permitted to seek punitive or other damages at a later date, consistent with future Court orders.

The Clerk of Court is directed to enter judgment for Plaintiff. The Clerk of Court is further directed to close the open motions at ECF Nos. 9324 and 9744 in 03-md-1570 and ECF Nos. 165 and 175 in 18-cv-12341.

Dated: June 17, 2024
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge